

TRAFFICKING IN PERSONS REPORT JULY 2022

U.S. Department of State

TIMOR-LESTE: TIER 2

The Government of Timor-Leste does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore, Timor-Leste was upgraded to Tier 2. The government investigated, prosecuted, and convicted traffickers, including the first two convictions since 2018. The government also established a national anti-trafficking commission, finalized a national anti-trafficking action plan (NAP) for 2022, signed a cooperative agreement and allocated funding to an international organization to train law enforcement officials on victim identification measures, and dedicated a budget to overall anti-trafficking efforts. However, the government did not meet the minimum standards in several key areas. Lack of expertise and understanding of trafficking crimes among some relevant officials remained an impediment to the government effectively combating trafficking. The government did not finalize or approve government-wide standard operating procedures (SOPs) for victim identification for the seventh consecutive year a critical need as official understanding of trafficking remained low. Officials did not proactively screen for trafficking nor identify victims among vulnerable populations; as a result, they continued to risk penalizing potential trafficking victims for crimes traffickers compelled them to commit. Victim protection services continued to draw from established services for gender-based violence (GBV) victims; protection services tailored to the needs of victims of all forms of trafficking remained inadequate.

PRIORITIZED RECOMMENDATIONS:

Increase investigations of trafficking crimes, proactively initiate prosecutions, and convict and punish traffickers, including complicit officials, in accordance with anti-trafficking laws.

- Proactively identify trafficking victims among vulnerable populations, including individuals in commercial sex, domestic workers, and migrant workers on fishing vessels.
- Finalize, implement, and train all relevant officials on formal procedures for victim identification and employ proper screening procedures when encountering vulnerable populations, such as during raids, upon detention, or prior to initiating deportation.
- Develop and establish SOPs on referring trafficking victims as distinct from victims of other crimes to appropriate, specialized care and train officials on their use.
- Strengthen efforts to ensure officials do not arrest, deport, or punish victims for unlawful acts traffickers compelled them to commit.
- Increase resources for protective services for trafficking victims and proactively offer male victims the same services offered to female victims.
- Fully implement the 2022 anti-trafficking NAP and finalize and adequately fund implementation of its extended 2022-2026 action plan.
- Improve nationwide law enforcement and victim identification data collection.
- Screen for trafficking indicators among Cuban overseas workers, including medical professionals.

PROSECUTION

The government moderately increased law enforcement efforts. Articles 163 and 164 of the criminal code criminalized all forms of labor and sex trafficking and prescribed penalties of eight to 20 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Although some law enforcement and judicial officials were familiar with trafficking crimes, it was likely that officials continued to inaccurately classify some trafficking cases as immigration or labor violations. The government collected data on trafficking, but it was not fully comprehensive.

In 2021, the government continued to investigate two trafficking cases involving three alleged perpetrators initiated in previous reporting periods. The government reported prosecuting seven cases of trafficking, six of which it initiated in previous reporting periods, involving a total of 18 alleged perpetrators. The one case it initiated in this reporting period in October 2021 involved five perpetrators, including a village police officer, prosecuted for child sex trafficking; the case was pending at the end of the reporting period. Of the remaining six cases, courts dismissed four for lack of evidence, one was pending trial, and one resulted in the conviction of two child sex traffickers under the anti-trafficking law. The court sentenced one of the traffickers to four years' imprisonment and the other to five years' imprisonment. The government last obtained a trafficking conviction in 2018. During the previous reporting period, the government investigated four suspected perpetrators for sex trafficking, but it did not initiate any new prosecutions or convict any traffickers. The government acknowledged possible trafficking crimes in the fishing industry in Timor-Leste's coastal waters and exclusive economic zone to the south; however, the government lacked the vessels, training, and human resources to patrol, inspect, and interdict vessels in its waters and investigate possible trafficking crimes on these vessels.

Pandemic-related restrictions, including a state of emergency in effect for half of the reporting period, hindered the government from fully providing anti-trafficking trainings to personnel. The Ombudsman for Human Rights and Justice also conducted anti-trafficking socialization trainings to local authorities, communities, and students.

PROTECTION

The government moderately improved efforts to identify and protect victims. The government identified one Timorese child sex trafficking victim involved in a prosecution in October 2021; the National Police's Vulnerable Persons Unit and Ministry of Social Solidarity and Inclusion (MSSI) assisted the victim to return to her family after she requested to do so and conducted regular home visits after her return. In comparison, during the previous reporting period, the government identified and offered protection services to three trafficking victims.

Immigration and police officials continued to report their ad hoc use of trafficking indicators based on the Bali Process to identify victims; however, for the seventh consecutive year, the government did not finalize or widely disseminate

comprehensive, government-wide SOPs for victim identification. While relevant ministries collaborated to share information on trafficking victims, there was no formal referral process; generally, authorities based their referral process on the well-established process used for victims of GBV, which did not address the needs of victims of all forms of trafficking. To address this issue, in January 2022, the Ministry of Interior, on behalf of the government, signed a cooperative agreement with and allocated \$300,000 to an international organization to conduct trainings on victim identification and assistance for police and immigration officials in 2022. MSSSI reported it maintained technical officers in each of the 13 districts of the country that continued to work closely with an NGO to provide victims of GBV and trafficking with assistance, including medical and psychological care, security, and legal assistance. MSSSI did not report any cases of trafficking to the NGO; however, the NGO reported it received one victim referral from law enforcement during the reporting period. MSSSI reported it had \$10,000 available to provide for trafficking victims during the reporting period, but the government did not utilize this funding. Despite the availability of care for victims, the quality of care was below international standards and did not adequately address the needs of male trafficking victims. Furthermore, the greatest level of care was available in Dili and other urban areas in the different municipalities, as limited infrastructure and human resources hindered victims' access to care in rural areas. Article 9 of the anti-trafficking law permitted victims to seek compensation for losses and damages incurred as a result of the trafficking crime, but no victims received such benefits during the reporting period. The government's policies allowed foreign victims alternatives to their removal to countries where they may face hardship or retribution; it did not provide such assistance during the reporting period. The government implemented regulations and guidance on the 2017 Law on Preventing and Combating Human Trafficking, which stated trafficking victims may not be detained, accused, or judged for having entered or resided illegally in Timor-Leste nor for having perpetrated crimes traffickers compelled them to commit. Neither the government nor civil society partners reported incidents where authorities penalized trafficking victims for unlawful acts traffickers compelled them to commit. However, due to a failure to properly screen for and identify trafficking indicators, immigration and law enforcement officials may have detained or deported some unidentified trafficking victims, including during routine raids on establishments known for commercial sex. Police officials and victim assistance NGOs also reported traffickers coached victims to state they were voluntarily in commercial sex, which officials reported

made it difficult for them to identify victims during raids. Nevertheless, law enforcement officials risked re-traumatizing some victims due to a lack of victim-centered screening procedures.

PREVENTION The government increased efforts to prevent trafficking. In June 2021, the government promulgated Decree Law No. 9 that established the Commission to Combat Trafficking in Persons (KLATU), which was responsible for coordinating the government's anti-trafficking efforts and included a representative of civil society to serve as a member. KLATU has met five times since its formation, during which it developed a plan to establish a Commission Secretariat and finalized an anti-trafficking NAP for 2022 that outlined the government's various anti-trafficking activities and goals for the year; officials initiated integrating this plan into the government's five-year anti-trafficking NAP for 2022-2026, which KLATU continued to draft at the end of the reporting period. The government allocated \$475,000 to anti-trafficking activities in fiscal year 2022, a portion of which funded KLATU. The government did not conduct research to assess the human trafficking problem in the country, nor did it systemically monitor its anti-trafficking efforts. The government did not conduct a country-wide anti-trafficking awareness campaign, but the HIV Commission under the Ministry of Social Solidarity and Inclusion incorporated human trafficking issues into HIV/ AIDS socialization and awareness activities for local communities in Dili and other municipalities. The government did not have an anti-trafficking hotline. Some government agencies utilized screening measures to address fraudulent labor recruitment practices, but vulnerabilities for Timorese nationals seeking work abroad remained. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Timor-Leste, and traffickers exploit victims from Timor-Leste abroad. Poor economic conditions and limited educational opportunities create trafficking vulnerabilities for Timorese nationals, in particular women and girls from rural areas; limited economic opportunities also create increased trafficking vulnerabilities for LGBTQI+ persons. Traffickers lead Timorese women, girls, and occasionally young men and boys from rural areas to the capital with the promise

of employment or education and exploit them in sex trafficking or domestic servitude. Traffickers exploit Timorese men in forced labor in agriculture, construction, and mining. Some Timorese family members place children in bonded household and agricultural labor, primarily in domestic rural areas but also abroad, to pay off family debts. Communities affected by HIV/AIDS are believed to be vulnerable to trafficking. Traffickers deceive women and teenagers with promises of scholarship opportunities or employment in Indonesia, Malaysia, and other countries in the region; often, traffickers take the victim to a different country than promised, withhold their passports, pay them little to nothing, and force them into labor, including domestic servitude. Frequently, Timorese victims overseas first transit through the porous TOGO 544 border with Indonesia; some remain and are exploited in Indonesia. Some routes used by smugglers along the Indonesia-Timor-Leste border are also possible routes used by traffickers. Immigration and police officials and civil society representatives reported in 2020 and 2021 that trafficking of foreign victims through legal points of entry, such as airports, ports, and official land border crossings, had likely decreased due to the government's increased scrutiny of those entering the country due to pandemic-related limitations on the entry of both Timorese and foreign arrivals. Due to these ongoing pandemic-related restrictions and the state of emergency throughout most of 2021, reports of irregular movement across the porous land border with Indonesia increased. Some civil society contacts believed that perpetrators of human trafficking may have used these informal routes due to increased scrutiny at legal points of entry. Sex traffickers in Timor-Leste target foreign women from East and Southeast Asia. Transnational traffickers may be members of Indonesian or People's Republic of China (PRC) national organized crime syndicates, which rotate foreign victims of sex trafficking in and out of the country for the length of a 30-day tourist visa to avoid raising the suspicions of law enforcement officers through visa overstay violations. Traffickers also recruit Timorese women, send them to the PRC, Indonesia, or Malaysia, and force them into commercial sex. Police accept bribes from establishments involved in trafficking or from traffickers attempting to cross borders illegally. Traffickers exploit foreign fishing crews in forced labor on foreign-flagged vessels that transit Timor-Leste waters. Each year, the Cuban government sends thousands of workers, including medical workers, around the globe under multi-year cooperation agreements negotiated with receiving countries. Observers have expressed serious concerns of exploitation and forced labor within Cuba's overseas labor export program; some former participants assert that the Cuban

government coerced them to remain in the program. There were approximately 100 Cuban medical workers in Timor-Leste in 2020; they may have been forced to work by the Cuban government.